

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

STACIA BLANCHFIELD,)
Plaintiff,)
v.) Case No.
MEDICREDIT, INC.,)
Defendant.) **JURY TRIAL DEMANDED**

NOTICE OF REMOVAL

Defendant Medicredit, Inc. (“Medicredit”) timely files this Notice of Removal pursuant to 28 U.S.C. §§ 1331, 1441, and 1446, removing this action from the Circuit Court of St. Charles County, Missouri, Associate Division, to the United States District Court for the Eastern District of Missouri, Eastern Division, and in support of this Notice, states as follows:

1. On November 12, 2015, Plaintiff Stacia Blanchfield (“Plaintiff”) filed a Petition against Medicredit (the “Petition”) in the Circuit Court of St. Charles County, Missouri, Associate Division, Case No. 1511-AC06528 (the “State Court Action”). The Petition contains claims alleging a violation of the Fair Debt Collection Practices Act, 15 U.S.C. § 1692, *et seq.* (the “FDCPA”).

2. Pursuant to 28 U.S.C. § 1446(a), Medicredit attaches to this Notice a copy of all pleadings, orders and other papers or exhibits of every kind currently on file in the State Court Action. See Exhibit A, attached hereto.

3. Plaintiff served Medicredit with the summons in the State Court Action on December 8, 2015. Accordingly, Medicredit timely files this Notice within the 30-day limit established by 28 U.S.C. § 1446(b)(1). See, e.g., Murphy Brothers, Inc. v. Michetti Pipe

Stringing, Inc., 526 U.S. 344, 355 (1999) (noting that the removal time frame is triggered by receipt of formal service, not receipt of complaint.).

4. The United States District Court for the Eastern District of Missouri has original jurisdiction over this matter under 28 U.S.C. § 1331 because the claim alleging a violation of the FDCPA implicates this Court's federal question jurisdiction. See Ex. A, Petition, at ¶¶ 1, 11 and 14.

5. Removal to the United States District Court for the Eastern District of Missouri is proper under 28 U.S.C. § 1441(a), which provides that any civil action brought in a County and/or State Court where the District Courts of the United States have original jurisdiction is removable to the district of the United States District Court embracing the place where such action is pending.

6. Venue is proper in the Eastern Division of this Court because this action is being removed from the Circuit Court for St. Charles County, Missouri, Associate Division, and the acts complained of in Plaintiff's Petition are alleged to have been directed at Plaintiff in St. Charles County, Missouri. Id. at ¶ 3.

7. In light of the foregoing, this Court has subject matter jurisdiction over this action, and this case is properly removed to this Court.

8. Medicredit has filed a Notice of Filing Notice of Removal with the State Court and, upon filing this Notice, shall promptly provide written notice of its Notice of Removal to all adverse parties in the State Court Action.

WHEREFORE, Defendant Medicredit, Inc. gives notice that the above-entitled action is removed and transferred from Circuit Court of St. Charles County, State of Missouri, Associate Division, to the United States District Court for the Eastern District of Missouri.

Respectfully submitted,

SPENCER FANE LLP

By: /s/ Scott J. Dickenson

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on this 18th day of December, 2015, a copy of the foregoing document was electronically filed with the Clerk of the Court, to be served by the Court's electronic notification system upon all attorneys of record.

/s/ Scott J. Dickenson